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FROM Amembassy MONTEVIDEO

829

DESP. NO.

April 13, 1961

TO THE DEPARTMENT OF STATE, WASHINGTON.

DATE

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20 For Dept. Use Only	ACTION *	DEPT.
	REC'D	OTHER
4-18-61	ARA-4	RM/R-2 REP-1 INR-7 E-7 ICA-11 L-2 ID-4 U/FW-2
	CIA-10	COR-10 INT-7 USIA-10 TR-3 OSD-5 ARMY-4

SUBJECT: Uruguay and Argentina Sign Treaty Over Limits of Uruguay River NAVY-4

Microfilm

EE/H NSA-4

Since the early days of the Blanco administration a joint Argentine-Uruguay committee of experts on water rights has been working on a solution to the long-standing problem of jurisdiction over their joint river boundaries, the Rio de la Plata and Rio Uruguay.

The first step in reaching agreements in this field came on January 30, 1961 when the Argentine Ambassador to Uruguay, Gabriel DEL MAZO, and Uruguay's Foreign Minister, Homero MARTINEZ Montero, signed a declaration establishing the exterior limits of the huge Rio de la Plata (see Despatch 658, February 3, 1961). This declaration was achieved in a spirit of friendship and has provided a base line for further jurisdictional divisions.

This action was followed on March 1 by the Declaration of Mercedes which was signed for Argentina by President Arturo FRONDISI and for Uruguay by President HAEDO (see Despatch 733, March 3, 1961). This declaration was signed on the occasion of the Argentine President's visit to Mercedes to participate in the celebrations commemorating the 150th anniversary of the "Grito de Asencio" (Cry of Asencio). The agreement merely reaffirmed that both countries should continue to strive in a spirit of true friendship to put an end to the differences concerning the river boundaries which had been unresolved since the formation of the two nations.

On April 7 in Montevideo Argentine Foreign Minister, Dr. Diogenes TABOADA, and Uruguay's MARTINEZ Montero signed the most important of these documents to date, a treaty defining the Rio Uruguay boundary between the two countries. This eleven article treaty employs two distinct systems for establishing jurisdiction over the river area, the talweg and the middle-of-the-river principles. Generally speaking, for the purposes of navigation and water rights the division follows the principal channel of navigation. Jurisdiction over the numerous islands and their inhabitants is generally determined by a line midway between the two banks of the river. To avoid later confusion and possible disputes, all of the islands and their respective jurisdictions are named or identified in the treaty itself.

HTMitchell, Jr/RSCollins:gm

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NAME OF OFFICER	DATE OF ACTION
& OFFICE SYMBOL	DIRECTIONS TO RM/R

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From Montevideo

Other provisions of the treaty assure the continued use of the river by ships of all nations and calls for joint Uruguay-Argentine responsibility for the conservation, proper maintenance, and security of the river. Both countries are allowed 90 days to obtain the necessary ratification. (Four official Foreign Office copies of the treaty, in Spanish, are attached.)

The problem of the clear definition of Uruguay's river boundaries with Argentina has existed for over 130 years. In 1826 the Preliminary Peace Agreement (Convencion Preliminar de Paz) between Argentina and Uruguay recognized the Uruguay River as the border between the two countries. The Argentine-Uruguayan treaties on free navigation of the Paraná and Uruguay Rivers, in 1853, stated that the Uruguay River was jointly owned by the two countries. In 1916 a treaty defining the River Uruguay boundary--the Brum Moreno treaty--was signed but was not ratified. That treaty used the talweg as the basis for defining the boundary.

April 6, 1937 a Special Commission was established to study the titles to the property in the islands of the Uruguay River. The two principal figures of this Commission were Juan E. FIVEL Devoto, historian, and Rodolfo FONSECA Muñoz. Incidentally, both of these men are members of the Blanco party. The work of this Commission was very valuable preparation for the drawing up of the present treaty on the Uruguay River boundary.

The settlement of the river boundary problem was made something of a personal project by the late leader of the Herrerista faction, Dr. Luis Alberto HERRERA. He specially selected Navy Lt. Homero MARTÍNEZ Montero as Minister of Foreign Relations for the purpose of getting the problem resolved. He is also an expert on the river boundary question and is the author of a book entitled "El Rio Uruguay. Geografica, historia y geopolitica." To him and Prof. Pivel Devoto are ascribed the main credit for reaching the settlement incorporated in the treaty signed April 7. The Blancos have hailed this treaty as one of the major accomplishments of their two year administration and the opposition parties have criticized only the fact that the Blancos are receiving the credit for settling this problem.

With this major portion of the river boundary question settled the long rumored resignation of Foreign Minister MARTÍNEZ Montero and his subsequent appointment as Ambassador to Argentina may soon take place; however, no official statements have as yet been issued.

For the Chargé d'Affaires ad interim:

Herbert T. Mitchell, Jr.
Third Secretary of Embassy

Enclosure: *all 7/11/37*

Treaty (4).

*Homero Martinez Montero.

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